

Congress of the United States

Washington, DC 20515

February 23rd, 2022

The Honorable Lina Khan
Chair
U.S. Federal Trade Commission
600 Pennsylvania Ave, NW
Washington, DC 20580

Dear Chair Khan,

We are writing today to express our concerns related to the targeted advertising of dietary supplements sold for weight loss and muscle building on social media. The rise of social media influencers and celebrity endorsements of these products can be a vehicle towards problematic and/or disordered eating. We call on you to take action to crack down on these deceptive advertising practices of weight-loss and muscle-building supplements that harm – and in the worst case kill – our kids.

Weight-loss and muscle-building supplement advertisements are appealing because they promise young consumers idealized but nearly impossible to achieve results, especially when coupled with an endorsement from a famous celebrity. As part of our research, we easily found hundreds of examples of weight loss supplements all marketed with unrealistic claims, including products that falsely purport to target fat only in certain areas of the body or promise extreme weight loss in short periods of time.

Our children are facing increasing pressure online through social media and targeted advertisements to be thin and muscular. A recent report reviewing 240 Instagram posts linked to popular eating disorder hashtags found that almost 90% promoted appetite suppressants.^[2] These alarming trends are exacerbated by the pandemic, with the University of Iowa Hospital seeing an increased rate in calls from adolescent girls seeking out-patient and in-patient treatment for experiencing an eating disorder. The recent increase of patients seeking treatment for this mental illness is so high that the University of Iowa was forced to launch a new patient program for 13-year-olds and up for treatment.

That is why we are calling on the FTC to ensure the marketing of these products is accurate and responsible.

We recognize the FTC has taken steps to ensure consumers receive accurate information related to dietary supplement advertising claims through several blog posts and consumer alerts. In 2020, the FTC ruled TEMI must pay \$1 million for falsely claiming its products lead to weight loss and that social media influencers, including rapper Cardi B and Instagram model Brittany Renner; they

have also been fined for not disclosing their paid advertisements for the brand. However, these products continue to be marketed using false claims, deceitful tactics, and celebrity promotion.

We would like to know what other measures the FTC is taking to curb deceptive marketing practices for weight-loss and muscle-building products toward minors and request your answers to the following questions:


1. With the rise of celebrity spokespeople supporting these types of products, what actions is the FTC taking to protect children and adolescents from false marketing tactics?
2. How are children protected from advertisements and other commercially generated content- including content from influencers and affiliated marketers mistakenly considered to be independent, impartial, or not from the sponsoring advertiser (when they are, in fact, paid by the sponsor)?
3. Are there other ways Congress can support the efforts of the agency in protecting children and adolescents from the harmful advertising of and exposure to dietary supplements?

Thank you for the Commission's efforts in combatting deceptive marketing from bad actors within the dietary supplements industry. We look forward to hearing from you as we work together to keep our consumers safe, healthy, and informed.

Sincerely,



Cindy Axne
Member of Congress




Kathy Castor
Member of Congress



Brian Fitzpatrick
Member of Congress

Jackie Speier
Member of Congress



Dina Titus
Member of Congress